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GRAHAM, PAUL J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,286

Applicant(s)

SEOK ET AL.

Examiner

PAUL GRAHAM

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/08 has been entered.

Response to Arguments

2. Applicant argues:

Wasilewski fails to disclose the use control metadata include the CCI, BF, and RI....

The Examiner respectfully disagrees. Wasilewski does show use control data given that it has been specified in previous Office Actions (see (CCI) (see column 31, lines 24-25), broadcasting flag (BF) (see Figure 17, element 1705) and retention information (RI) (see column 31, lines 13-30) (see also column 31, lines 48-53)) and on a broad read Wasilewski does disclose use control data including CCI, BF, and RI. Wasilewski also indicates broadcast content further (as in a BF) with blackout/spotlight flag, indicating restrictive use of the content as in instant spec [29] (see Wasilewski, fig. 22, 26-27, col. 36, ll. 29-60). Wasilewski indicates the extent to which an instance may be copied as in CCI states with

copy protection level, purchase mode with rights and right to copy mode (see Wasilewski, fig. 22, col. 36, ll. 3-15). Wasilewski further indicates retention information with mode length field, earliest start and latest end fields, including time allowed to retain it (see Wasilewski, fig. 19, col. 32, ll. 28-54).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993). Wasilewski does disclose the metadata, his flags represent the use control metadata (data about data or information).

The information on whether the right to copy the event has been purchased (CCI), whether the event is active or analog or digital (BF) and whether its end time has been extended (RI) (see Wasilewski, fig. 17, col. 31, ll. 12-30). Additional support for the instant claims being obvious variants of a known theme such as use control metadata is given by the use of Morinaga and Boston in the rejections.

With regard to the argument that there is no motivation to combine the teachings of cited references, the applicant is directed to p. 4 of Office Action (5/1/08) and the motivation of the current Office Action.

Morinaga does not disclose copy control information.

The Examiner respectfully disagrees. Morinaga shows use of copy control information which inherently speaks to the types of info in the Instant specification [28], never copy, copy once, copy free. Morinaga does not merely disclose a descriptor, as alleged by the applicant; Morinaga details a system including serial copy management system and copy

generation management system. Morinaga shows what the combination suggests it does, that is a meta data information related to use control (see Morinaga, col. 1, ll. 43-50, col. 2, ll. 20-25, col. 2, l. 65-col. 3, ll. 10, use-control meta data). As rejected in Office Action, 5/1/08, the meta data of Morinaga does indicate "content can be copied freely, copied one time only and never copied (see Morinaga, col. 5, ll. 54-63). As Wasilewski shows the user control metadata and Boston further supports the obviousness of the instant invention with further disclosure of use control metadata.

What is alleged by applicant in Remarks (10/31/08) about "merely disclosing a descriptor" is incorrect. In the system, said data is *NOT merely* added; it is *included as copy control data* at the transmitter as defined for CCI in IEC958 spec (see Morinaga, col. 1, ll. 43-60) as CCI and RI flags are selected and *added at transmitter* (see instant spec [28-29]). Which is also *added to* program contents per watermark adder (see instant app. Fig. 2) which creates use control data, inherently creating *additional* data.

Boston does not teach retention information.

The Examiner respectfully disagrees. It is noted that Wasilewski also teaches a retention information. Boston does show with a retention period an indication of how long the content *can be* retained in hard disk in a receiver as per Instant spec [29]. In fact, per Instant spec [29] after retention, the contents are deleted from the transmitter not the receiver, an issue of 35 USC § 112 support. Boston is part of the combination that shows said data. Boston's retention period is use control (it is certainly use control data, given that it pertains to the use of

said content, whether viewed or stored) and it is meta data (it is data about data or in terms of the instant specification [31] it includes information on things such as kind and location) and it does show the length of time content can remain stored (see Boston, col. 14, l. 64-col. 15, l. 15).

The retention period data of Boston is the retention information (RI) data in the instant application, so there is no contrast between the inventions here. A PVR profile is independent of the Boston retention period meta data (RI) (see Boston, fig. 3). As noted in Boston, col. 14, ll. 64-67, they can work together, so they are separate functional units.

Additionally, "use control metadata includes RI" does not preclude RI from being metadata, but *includes* it (by its very nature). Reading the claims in the broadest sense, Boston does teach retention information (as a retention period) and as metadata. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993).

Wasilewski does not disclose the elements recited in claim 3.

The Examiner respectfully disagrees. Given that the claim 3 is cancelled, this is a moot argument. However, it is noted that Wasilewski is concerned with unlawful distribution and determining content as authentic (see Wasilewski, col. 24, ll. 35-60, col. 31, ll. 30-40).

Applicant's arguments have been fully considered and are not persuasive.

Claims 1-2, 5-8, 11-13 stand rejected.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 7 (and their dependent claims) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 and 7 recite: "...use control metadata including copy control information (CCI), broadcast flag (BF) and retention information (RI)...". The arguments presented in Remarks 10/31/08, p. 12 indicate that the applicant believes use control metadata and RI, such as retention information (as represented by Wasilewski and Boston) cannot be one in the same, i.e., it cannot be a use control data and RI data. However, this is not supported as per recitation in the instant specification (see instant spec [27] and fig. 2). In fact, per the Instant spec [29] after retention, the contents are deleted from the transmitter *not the receiver*. Additionally, "use control metadata includes RI" does not preclude RI

from being metadata, but *includes* it (by its very nature). It is questioned whether the applicant (at time of filing) had possession of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2, 5-8, 11-13** are rejected under 35 U.S.C. 103(a) as being anticipated by Wasilewski et al. (US Patent Number 6,157,719) and Morinaga et al. (US Patent Number 6,981,272) in view of Boston et al. (US Patent Number 7,248,776).

Regarding **claim 1**, Wasilewski et al. discloses a broadcasting server system (see Figure 6, element 607) for protecting and managing digital broadcasting contents (see column 4, lines 8-16), comprising: a control means (see column 6, lines 24-55) for generating access control information (i.e. authentication) and a control word (see column 6, lines 32-37) based on subscriber information (see column 16, lines 19-37), the access control information including CAT (see column 7, element 710), entitlement control message (ECM) (see figure 7, element 719) and entitlement management

message (EMM) (see figure 7, element 705(d)) (see also column 19, lines 1-15); an additional data generation means (see column 31, lines 12-30) for generating additional data including use control metadata (see Figure 16 and Figure 17) , tool information metadata (see Figure 22) (see also column 35, lines 44-67) and content purchase information metadata (see column 4, lines 65-67; column 5, lines 1-14) to protect and manage the digital broadcasting contents (see Figure 17, element 1707); a watermarking means (i.e. encoding a packet identifier) for receiving an identification of a broadcasting content (see column 31, lines 13-30), which is referred to as a content ID (see Figure 17, element 1703), and the use control metadata, and watermarking an audio/video (A/V) media signal (see Figure 7, element 709) by using the content ID and the use control metadata as watermarks (see column 32, lines 2-16), the use control metadata including copy control information (CCI) (see column 31, lines 24-25), broadcasting flag (BF) (see Figure 17, element 1705) and retention information (RI) (see column 31, lines 13-30) (see also column 31, lines 48-53); a media encoding means (see Figure 7, element 704 and/or Figure 4, element 327) for compressing the watermarked A/V media signal (see column 18, lines 52-67); an encrypting means (see Figure 7, element 704 and/or Figure 3 element 327) for encrypting the compressed A/V media signal (see column 18, lines 62-67); a multiplexing means (see Figure 7, element 701) for receiving and multiplexing (see column 18, lines 36-51) the compressed and encrypted A/V media signal to thereby output a media transport stream (see Figure 7, "Packetized Elementary Stream");

a re-multiplexing means (see Figure 7, element 704) for receiving and re-multiplexing (see Figure 7, element 704) the media transport stream, the additional data and the access control information to thereby output a re-multiplexed signal (see column 18, lines 60-62); and a scrambling means (i.e. encryption, see column 2, lines 43-47) for scrambling the re-multiplexed signal by using the control word (see column 18, lines 62-67). In addition Wasilewski discloses a length of time that broadcasting content can remain stored (see column 31, lines 48-53), Wasilewski also indicates broadcast content further (as in a BF) with blackout/spotlight flag, indicating restrictive use of the content as in instant spec [29] (see Wasilewski, fig. 22, 26-27, col. 36, ll. 29-60). Wasilewski indicates the extent to which an instance may be copied as in CCI states with copy protection level, purchase mode with rights and right to copy mode (see Wasilewski, fig. 22, col. 36, ll. 3-15). Wasilewski further indicates retention information with mode length field, earliest start and latest end fields, including time allowed to retain it (see Wasilewski, fig. 19, col. 32, ll. 28-54).

in addition, Wasilewski et al. discloses the system wherein the content ID is abstracted and used for determining whether a content is an unlawful broadcasting content when the broadcasting content is distributed unlawfully (see column 30, lines 58-67; column 31, lines 1-10), or the content ID (see Figure 17, element 1703) is abstracted and used for determining whether a content that are broadcasted currently is authentic or not after monitoring (see column 31, lines

13-30, Wasilewski is concerned with unlawful distribution and determining content as authentic (see Wasilewski, col. 24, ll. 35-60, col. 31, ll. 30-40)).

Wasilewski is unclear on wherein the use control metadata include the CCI, the BF and the RI, determines from the CCI whether a broadcasting content can be copied freely, copied one time only and never copied, identifies from the BF whether the content is a broadcasting content, and indicates in the RI a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

However, in an analogous art, Morinaga discloses control data whether a broadcasting content can be copied freely, copied one time only and never copied (see column 5, lines 54-63) (see also column 3, lines 26-31).

It would have been obvious at the time of invention for one of ordinary skill in the art at the time of Applicant's invention to modify Wasilewski to include in the broadcasting management server control information which figures whether a broadcasting content can be copied freely, copied one time only and never copied for the predictable result of preventing unlawful copyright use of content which could be copied multiple times and distributing the content to others who did not purchase the content, this would allow the system to ensure access rights are not violated.

However, Wasilewski and Morinaga are unclear on the retention information a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

In an analogous art, Boston discloses retention information including a length of time that the broadcasting content can remain stored in a hard disk of a receiver (see column 14, lines 64-67; column 15, lines 1-12).

It would have been obvious to one of ordinary skill in the art to modify Wasilewski in view of Morinaga to include a length of time that the broadcasting content can remain stored in a hard disk of a receiver to limit access to content that has a limited viewing time such as a rental, a common technique with video demand distribution, this also saves space on the hard disk removing content that shouldn't possibly shouldn't be stored based on access rights.

Regarding **claim 2**, Wasilewski et al. in view of Morinaga in view of discloses everything claimed as applied above (see claim 1). In addition, Wasilewski et al. discloses the system: a purchase result management means for managing broadcasting content purchase result of a user (see column 4, lines 65-67; column 5, lines 1-14) and a monitoring result management means for managing broadcasting content monitoring result (see column 30, lines 58-67; column 31, lines 1-10). (See also Figure 19).

Regarding **claim 5**, Wasilewski et al. discloses everything claimed as applied above (see claim 4). In addition, Wasilewski et al. discloses the system, wherein the tool information metadata include: protection and management tool information on the protection and management tools used for protecting and managing the broadcasting content; decrypting information needed for decrypting the broadcasting content to which the protection and management tools are

applied, the decrypting information including watermarking information and encrypted transport stream information; location information on locations to which the protection and management tools should be applied; replaceable tool information on kinds of tools that can be replaced; and tools (see Figure 22) (see also column 35, lines 44-67).

Regarding **claim 6**, Wasilewski et al. discloses everything claimed as applied above (see claim 5). In addition, Wasilewski et al. discloses the system, wherein the content purchase information metadata include purchase conditions used when the user purchases the broadcasting content, and a list of contents that can be purchased (see Figure 19) (see also column 32, lines 28-53).

Regarding **claim 7**, Wasilewski et al. discloses a method for operating a broadcasting server system for protecting and managing digital broadcasting contents, the method comprising the steps of: a) generating access control information (see column 6, lines 24-55) and a control word (see column 6, lines 32-37) based on subscriber information (see column 16, lines 19-37), the access control information including CAT (see column 7, element 710), entitlement control message (ECM) (see figure 7, element 719) and entitlement management message (EMM) (see figure 7, element 705(d)) (see also column 19, lines 1-15); b) generating additional data including use control metadata (see Figure 16 and Figure 17), tool information metadata (see Figure 22) (see also column 35, lines 44-67) and content purchase information metadata (see column 4, lines 65-67; column 5, lines 1-14) to protect and manage the digital broadcasting contents

(see Figure 17, element 1707); c) receiving an identification of a broadcasting content (see column 31, lines 13-30), which is referred to as a content ID (see Figure 17, element 1703), and the use control metadata and watermarking an audio/video (A/V) media signal by using the content ID and the use control metadata as watermarks (see column 32, lines 2-16), the use control metadata including copy control information (CCI) (see column 31, lines 24-25), broadcasting flag (BF) (see Figure 17, element 1705) and retention information (RI) (see column 31, lines 13-30) (see also column 31, lines 48-53); d) compressing the watermarked A/V media signal (see column 18, lines 52-67); e) encrypting the compressed A/V media signal (see column 18, lines 62-67); f) receiving and multiplexing (see column 18, lines 36-51) the compressed and encrypted A/V media signal (see Figure 7, element 709) to thereby output a media transport stream (see Figure 7, "Packetized Elementary Stream"); g) receiving and re-multiplexing (see Figure 7, element 704) the media transport stream (see column 18, lines 60-62), the additional data and the access control information to thereby output a re-multiplexed signal (see Figure 7, element 703); and h) scrambling the re-multiplexed signal by using the control word (see column 18, lines 62-67). In addition Wasilewski discloses a length of time that broadcasting content can remain stored (see column 31, lines 48-53), Wasilewski also indicates broadcast content further (as in a BF) with blackout/spotlight flag, indicating restrictive use of the content as in instant spec [29] (see Wasilewski, fig. 22, 26-27, col. 36, ll. 29-60). Wasilewski indicates the

extent to which an instance may be copied as in CCI states with copy protection level, purchase mode with rights and right to copy mode (see Wasilewski, fig. 22, col. 36, ll. 3-15). Wasilewski further indicates retention information with mode length field, earliest start and latest end fields, including time allowed to retain it (see Wasilewski, fig. 19, col. 32, ll. 28-54).

in addition, Wasilewski et al. discloses the system wherein the content ID is abstracted and used for determining whether a content is an unlawful broadcasting content when the broadcasting content is distributed unlawfully (see column 30, lines 58-67; column 31, lines 1-10), or the content ID (see Figure 17, element 1703) is abstracted and used for determining whether a content that are broadcasted currently is authentic or not after monitoring (see column 31, lines 13-30, Wasilewski is concerned with unlawful distribution and determining content as authentic (see Wasilewski, col. 24, ll. 35-60, col. 31, ll. 30-40)).

Wasilewski is unclear on wherein the use control metadata include the CCI, the BF and the RI, determines from the CCI whether a broadcasting content can be copied freely, copied one time only and never copied, identifies from the BF whether the content is a broadcasting content, and indicates in the RI a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

In an analogous art, Morinaga et al. discloses control data whether a broadcasting content can be copied freely, copied one time only and never copied (see column 5, lines 54-63) (see also column 3, lines 26-31).

It would have been obvious at the time of invention for one of ordinary skill in the art at the time of Applicant's invention to modify Wasilewski to include in the broadcasting management server control information which figures whether a broadcasting content can be copied freely, copied one time only and never copied for the predictable result of preventing unlawful copyright use of content which could be copied multiple times and distributing the content to others who did not purchase the content, this would allow the system to ensure access rights are not violated.

Wasilewski and Morinaga are unclear on the retention information a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

In an analogous art, Boston discloses retention information including a length of time that the broadcasting content can remain stored in a hard disk of a receiver (see column 14, lines 64-67; column 15, lines 1-12).

It would have been obvious to one of ordinary skill in the art to modify Wasilewski in view of Morinaga to include a length of time that the broadcasting content can remain stored in a hard disk of a receiver to limit access to content that has a limited viewing time such as a rental, a common technique with video demand distribution, this also saves space on the hard disk removing content

that shouldn't possibly shouldn't be stored based on access rights.

Regarding **claim 8**, Wasilewski et al. discloses everything claimed as applied above (see claim 7). In addition, Wasilewski discloses the method, further comprising a step of: i) managing a broadcasting content purchase result of a user and managing a broadcasting content monitoring result (see column 4, lines 65-67; column 5, lines 1-14). (See column 30, lines 58-67; column 31, lines 1-10). (See also Figure 19).

Regarding **claim 11**, Wasilewski et al. discloses everything claimed as applied above (see claim 7). In addition, Wasilewski discloses the method, wherein the tool information metadata include: protection and management tool information on the protection and management tools used for protecting and managing the broadcasting content; decrypting information needed for decrypting the broadcasting content to which the protection and management tools are applied, the decrypting information including watermarking information and encrypted transport stream information; location information on locations to which the protection and management tools should be applied; replaceable tool information on kinds of tools that can be replaced; and tools (see Figure 22) (see also column 35, lines 44-67).

Regarding **claim 12**, Wasilewski et al. discloses everything claimed as applied above (see claim 11). In addition, Wasilewski discloses the method, wherein the content purchase information metadata include purchase conditions used when the user purchases the broadcasting content, and a list of contents

that can be purchased (see Figure 19) (see also column 32, lines 28-53).

Regarding **claim 13**, Wasilewski et al. discloses a computer-readable recording medium for recording a program that implements a method for operating a broadcasting server system that protects and manages digital broadcasting contents, comprising the steps of: a) generating access control information (see column 6, lines 24-55) and a control word (see column 6, lines 32-37) based on subscriber information (see column 16, lines 19-37), the access control information including CAT (see column 7, element 710), entitlement control message (ECM) (see figure 7, element 719) and entitlement management message (EMM) (see figure 7, element 705(d)) (see also column 19, lines 1-15); b) generating additional data including use control metadata, tool information metadata and content purchase information metadata to protect and manage the digital broadcasting contents (see Figure 17, element 1707); c) receiving an identification of a broadcasting content, which is referred to as a content ID (see Figure 17, element 1703), and the use control metadata and watermarking an audio/video (A/V) media signal by using the content ID and the use control metadata as watermarks (see column 32, lines 2-16), the use control metadata including copy control information (CCI) (see column 31, lines 24-25), broadcasting flag (BF) (see Figure 17, element 1705) and retention information (RI); d) compressing the watermarked A/V media signal (see column 18, lines 52-67); e) encrypting the compressed A/V media signal (see column 18, lines 62-67); f) receiving and multiplexing (see column 18, lines 36-51) the compressed

and encrypted A/V media signal to thereby output a media transport stream; g) receiving and re-multiplexing the media transport stream (see Figure 7, element 701) (see column 18, lines 60-62), the additional data and the access control information to thereby output a re-multiplexed signal (see column 18, lines 60-62); and h) scrambling (i.e. encryption, see column 2, lines 43-47) the re-multiplexed signal by using the control word (see column 18, lines 62-67),

In addition Wasilewski discloses a length of time that broadcasting content can remain stored (see column 31, lines 48-53),

Wasilewski also indicates broadcast content further (as in a BF) with blackout/spotlight flag, indicating restrictive use of the content as in instant spec [29] (see Wasilewski, fig. 22, 26-27, col. 36, ll. 29-60). Wasilewski indicates the extent to which an instance may be copied as in CCI states with copy protection level, purchase mode with rights and right to copy mode (see Wasilewski, fig. 22, col. 36, ll. 3-15). Wasilewski further indicates retention information with mode length field, earliest start and latest end fields, including time allowed to retain it (see Wasilewski, fig. 19, col. 32, ll. 28-54).

in addition, Wasilewski et al. discloses the system wherein the content ID is abstracted and used for determining whether a content is an unlawful broadcasting content when the broadcasting content is distributed unlawfully (see column 30, lines 58-67; column 31, lines 1-10), or the content ID (see Figure 17, element 1703) is abstracted and used for determining whether a content that are

broadcasted currently is authentic or not after monitoring (see column 31, lines 13-30, Wasilewski is concerned with unlawful distribution and determining content as authentic (see Wasilewski, col. 24, ll. 35-60, col. 31, ll. 30-40));

Wasilewski is unclear on wherein the use control metadata include the CCI, the BF and the RI, determines from the CCI whether a broadcasting content can be copied freely, copied one time only and never copied, identifies from the BF whether the content is a broadcasting content, and indicates in the RI a length of time that the broadcasting content can remain stored in a hard disk of a receiver. In addition Wasilewski discloses a length of time that broadcasting content can remain stored (see column 31, lines 48-53).

However, in an analogous art, Morinaga et al. discloses control data whether a broadcasting content can be copied freely, copied one time only and never copied (see column 5, lines 54-63) (see also column 3, lines 26-31).

It would have been obvious at the time of invention for one of ordinary skill in the art at the time of Applicant's invention to modify Wasilewski to include in the broadcasting management server control information which figures whether a broadcasting content can be copied freely, copied one time only and never copied for the predictable result of preventing unlawful copyright use of content which could be copied multiple times and distributing the content to others who did not purchase the content, this would allow the system to ensure access rights are not violated.

Wasilewski and Morinaga are unclear on the retention information a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

In an analogous art, Boston discloses retention information including a length of time that the broadcasting content can remain stored in a hard disk of a receiver (see column 14, lines 64-67; column 15, lines 1-12).

It would have been obvious to one of ordinary skill in the art to modify Wasilewski in view of Morinaga to include a length of time that the broadcasting content can remain stored in a hard disk of a receiver to limit access to content that has a limited viewing time such as a rental, a common technique with video demand distribution, this also saves space on the hard disk removing content that shouldn't possibly shouldn't be stored based on access rights and to prevent violation of those access rights.

Conclusion

7. A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this action.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Graham whose telephone number is (571)270-1705. The examiner can normally be reached on Monday-Thursday 9:30-4:30 Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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pjg
12/29/2008

/Annan Q Shang/

Primary Examiner, Art Unit 2424